REJECTION UNDER 35 U.S.C. §103

Claims 1-3, 5-10 and 12-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,522,509 to Shimamura et al. Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shimamura et al. in view of U.S. Patent No. 3,836,755 to Ehrat. Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,478,989 to Shepley.

Claim 1 recites "reading means for reading data in a non-contact state from the re-writable data carriers, each of the re-writable data carriers entering a state of waiting a predetermined period to answer an inquiry from the reading means after communicating with the reading means." Thus, the reading means reads sets of data from a plurality of data carriers. Each of the data carriers enters a state of waiting a predetermined waiting period before answering an inquiry transmitted from the reading means after initially communicating with the reading means. This feature is shown, for example, in FIGS. 7 and 8 of the present Application, and in the present Specification at lines 1-8 of page 14, and lines 5-7 and 14-17 of page 15.

It is respectfully submitted that the Examiner's cited references do not disclose this predetermined waiting period, nor do these references disclose reading sets of data from a plurality of data carriers. Accordingly, withdrawal of the rejection of claim 1 is requested. The remaining claims recite similar features.

Furthermore, we note that the Examiner has not provided specific references that disclose the claimed predetermined waiting period, nor has he provided a specific motivation for using re-writable carriers that wait a pre-determined period. Instead, he merely states that

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using such a carrier is "an obvious expedient." However, the Examiner does not state that re-writable data carriers that wait a predetermined waiting period are known in the art. Instead, the Examiner broadly states that "electronic devices" and "networking" systems have waiting periods. These electronic devices and networking systems could conceivably be unrelated to the primary reference, and therefore the Examiner's combination would be based on impermissible hindsight. Furthermore, the Examiner has not set forth any motivation for using data carriers waiting a predetermined period. Instead, he merely states that using these devices would be "an obvious expedient."

CONCLUSION:

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection, along with the indication of allowability of all pending claims are therefore respectfully requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge

the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Although all claims have not been amended hereby, all pending claims are set forth below for the Examiner's convenience.

Please **AMEND** the following claims:

1.   (FOUR TIMES AMENDED) A charging system for automatically calculating a charge for a dish or drink selected by a customer, comprising:

writing means for writing data in [a] at least two re-writable data [carrier] carriers, each of the re-writable data carriers being attached to a container of a dish or drink;

reading means for reading data in a non-contact state from the re-writable data [carrier] carriers, each of the re-writable data carriers entering a state of waiting a predetermined period to answer an inquiry from the reading means after communicating with the reading means; and

calculating means for calculating the charge using the read data and displaying the charge.

2.   (FOUR TIMES AMENDED) A charging system for automatically calculating a charge for a dish or drink selected by a customer, comprising:

input means for inputting data to be used to calculate a charge; and

writing means for writing the data in [a] at least two re-writable data [carrier] carriers each of which is attached to a container of a dish or drink[, the re-writable data carrier waiting a

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predetermined period after the writing means writes the data before answering an inquiry from the writing means] and each of the re-writable data carriers entering a state of waiting a predetermined period to answer an inquiry from the writing means after communicating with the writing means.

3.   (TWICE AMENDED) The charging system according to claim 2, wherein said writing means writes one of a kind and price of the dish or drink in the data [carrier] carriers.

4.   (ONCE AMENDED) The charging system according to claim 2, further comprising:

measuring means for measuring a weight of the dish or drink, wherein

said writing means writes one of a measured weight and a price corresponding to the measured weight in the data [carrier] carriers.

5.   (FOUR TIMES AMENDED) A charging system for automatically calculating a charge for a dish and drink selected by a customer, comprising:

reading means for reading data in a non-contact state from [a] at least two re-writable data [carrier] carriers attached to a container of one or more dishes or drinks selected by the customer, each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period to answer an inquiry from the reading means after communicating with the reading means [after the reading means reads the data before answering an inquiry from the reading means]; and

calculating means for calculating the charge using the read data.

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6.   (ONCE AMENDED) The charging system according to claim 5, wherein the data [carrier] carriers are [is] attached to the bottom of the container, and

said reading means reads the data collectively from the data carrier of one or more containers placed on a tray.

7.   (TWICE AMENDED) The charging system according to claim 5, wherein said reading means reads price data of said dish or drink from the data [carrier] carriers, and

said calculating means adds up the price data of each dish or drink, and calculates the charge for the one or more dishes or drinks.

8.   (TWICE AMENDED) The charging system according to claim 5, wherein said reading means reads data indicating a kind of said dish or drink from the data [carrier] carriers, and

said calculating means includes an output means for outputting a kind of the dishes or drinks selected by the customer together with the charge for the dishes or drinks.

9.   (TWICE AMENDED) The charging system according to claim 5, further comprising

storing means for storing a correspondence relation between a kind and a price of each dish or drink, wherein

said reading means reads data indicating a kind of said dish or drink from the data [carrier] carriers, and

said calculating means obtains price data corresponding to the kind data of each dish or drink referring to the correspondence relation, adds up the price data of each dish or drink, and calculates the charge for the one or more dishes or drinks.

10.   (FOUR TIMES AMENDED) A container used in connection with reading means for reading data for an automatic calculation of a charge of a dish or drink selected by a customer, comprising:

means for holding the dish or drink; and

at least two re-writable data carrier means for selectively recording data to be used to calculate the charge, each of the re-writable data carrier means being attached to a container of the dish or the drink and entering a state of waiting a predetermined period to answer an inquiry from the reading means after communicating with the reading means [reads the data before answering an inquiry from the reading means].

11.   (FOUR TIMES AMENDED) A calorie calculating system for automatically calculating calories of a dish or drink selected by a customer, comprising:

reading means for reading data in a non-contact state from [a] at least two re-writable data [carrier] carriers, each of the re-writable data carriers being attached to a container of one or more dishes or drinks selected by the customer, each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period to answer an inquiry from [after] the reading means after communicating with the reading means [reads the data before answering an inquiry from the reading means]; and

calculating means for calculating calories of the one or more dishes or drinks using read

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data and displaying the calories.

12.   (FOUR TIMES AMENDED) A charging system for automatically calculating a charge for goods selected by a customer, comprising:

reading means for reading data in a non-contact state from [a] at least two re-writable data [carrier] carriers, each of the re-writable data carriers being attached to a container of one or more items of goods selected by the customer, each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period to answer an inquiry from [after] the reading means after communicating with the reading means [reads the data before answering an inquiry from the reading means]; and

calculating means for calculating the charge for the one or more items of goods using read data and displaying the charge.

13.   (TWICE AMENDED) The charging system according to claim 12, wherein the one or more items of goods are arranged flatly so that [the] directions of the attached re-writable data carriers are the same, and said reading means reads the data collectively from the re-writable data carriers of the one or more goods arranged flatly.

14.   (THREE TIMES AMENDED) A computer-readable recording medium encoded with a program for controlling a computer, the program comprising:

inputting data to be used to calculate a charge for a dish or drink selected by a customer; and

writing the data in [a] at least two re-writable data [carrier] carriers, each of the re-

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writable data carriers being attached to a container of the dish or drink, each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period to answer an inquiry from a reading means after communicating with the reading means [after the step of writing the data before answering an inquiry].

15. (FOUR TIMES AMENDED) A computer-readable recording medium encoded with a program for controlling a computer, the program comprising:

reading data in a non-contact state from [a] at least two re-writable data [carrier] carriers, each of the re-writable data carriers being attached to a container of one or more dishes or drinks selected by a customer, each of the re-writable data [carrier] carriers entering a period of waiting a predetermined period to answer an inquiry from a reading means after communicating with the reading means [after the step of reading the data before answering an inquiry from a reading means];

calculating a charge for the one or more dishes or drinks using the read data; and

displaying the charge.

16. (FOUR TIMES AMENDED) A charging method for automatically calculating a charge for a dish or drink selected by a customer, comprising:

writing data in [a] at least two re-writable data [carrier] carriers, each of the re-writable data carriers being attached to a container of a dish or drink;

reading data in a non-contact state from [a] the data [carrier] carriers of one or more dishes or drinks selected by the customer, each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period after to answer an inquiry from a reading means after

communicating with a reading means [the step of reading the data before answering an inquiry from a reading means];

calculating said charge using read data; and

displaying said charge.

17.   (TWICE AMENDED) A charging system for automatically calculating a charge for a dish or drink selected by a customer, comprising:

a writing unit writing data in [a] at least two re-writable data [carrier] carriers, each of the re-writable data carriers being formed as part of a container of a dish or drink;

a reading unit reading data in a non-contact state from the re-writable data [carrier] carriers, each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period to answer an inquiry from the reading unit after communicating with the reading unit [after the reading unit reads the data before answering an inquiry from the reading unit]; and

a calculating unit calculating the charge using the read data and displaying the charge.

18.   (ONCE AMENDED) The charging system according to claim 17, wherein each of the selectively re-writable data [carrier is] carriers are adhered to the container of the dish or drink.

19.   (ONCE AMENDED) The charging system according to claim 17, wherein each of the selectively re-writable data carriers [carrier] is embedded within the container of the dish or drink.

20.   (TWICE AMENDED) A container used in connection with reading means for reading data for automatic calculation of a charge of a dish or drink selected by a customer, comprising:

tableware to hold the dish or drink; and

[a] at least two re-writable data [carrier] carriers to record data to be used to calculate the charge, each of the re-writable data carriers being attached to a container of the dish or drink, and each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period to answer an inquiry from the reading means after communicating with the reading means [after the reading means reads the data before answering an inquiry from the reading means].

21.   (ONCE AMENDED) The container used in an automatic calculation of a charge of a dish or drink according to claim 20, wherein each of said selectively re-writable data carriers [carrier] further comprises:

an antenna;

a voltage generator circuit to provide power to said data carrier in response to electromotive force received from the antenna; and

a memory unit to record the data to be used to calculate the charge.

22.   (ONCE AMENDED) The container used in an automatic calculation of a charge of a dish or drink according to claim 21, wherein each of said selectively re-writable data [carrier] carriers further comprises:

a modulator/demodulator to communicate modulated data between the antenna with the memory unit.

23. (THREE TIMES AMENDED) A container used in connection with reading means for reading data for an automatic calculation of a charge of a dish or drink selected by a customer, comprising:

tableware to hold the dish or drink;

[a] at least two re-writable data [carrier] carriers to record data to be used to calculate the charge, each of the re-writable data carriers being attached to a container of the dish or drink, and each of the re-writable data [carrier] carriers entering a state of waiting a predetermined period to answer an inquiry from the reading means after communicating with the reading means [after the reading means reads the data before answering an inquiry from the reading means].

24. (THREE TIMES AMENDED) The container used in an automatic calculation of a charge of a dish or drink comprising:

an antenna;

a memory;

communication control logic to record data in [a] at least two re-writable data [carrier] carriers to be used to calculate the charge in said memory, each of the re-writable data carriers being attached to a container of the dish or drink, and

a voltage generator circuit to provide power to said memory and said communication control logic in response to electromotive force received from said antenna,

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each of the re-writable data carriers [carrier] entering a state of waiting a predetermined period to answer an inquiry from the communication control logic after communicating with the communication control logic [after the communication control logic records the data before answering an inquiry from the communication control logic].

25.   (AS NEW) The container used in an automatic calculation of a charge of a dish or drink according to claim 24, further comprising:

a modulator/demodulator to communicate modulated data between said antenna and said memory unit.